

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

L.Y., on behalf of J.Y. and ELYSIAN
CHARTER SCHOOL OF HOBOKEN,

Plaintiff,

v.

BAYONNE BOARD OF EDUCATION,
ROCHELLE HENDRICKS, INTERIM
COMMISSIONER OF EDUCATION FOR
THE STATE OF NEW JERSEY, in her
official capacity, and the NEW JERSEY
DEPARTMENT OF EDUCATION.

Defendants.

Civil Action No. 10-05698 (SRC)

ORDER

CHESLER, District Judge

This matter having come before the Court on Defendants Rochelle Hendricks', Interim Commissioner of Education for the State of New Jersey, and the New Jersey Department of Education's (collectively, "State Defendants") motion to dismiss the Complaint [docket entry 1] pursuant to Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim upon which relief can be granted; and Plaintiff having opposed the motion; and the Court having opted to adjudicate the motion on the papers and without oral argument pursuant to Federal Rule of Civil Procedure 78; and for the reasons expressed in the Opinion filed herewith; and good cause shown,

IT IS on this 29th day of March, 2011,

ORDERED that State Defendants' motion to dismiss the Complaint [docket entry 1] be
and hereby is **GRANTED**.

s/Stanley R. Chesler
STANLEY R. CHESLER
United States District Judge